

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated April 30, 2008 and the Interview Summary dated July 3, 2008. An RCE is concurrently filed. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 1-14, 16 and 24-29 are under consideration in this application. Claims 15 and 17-23 are being cancelled without prejudice or disclaimer. Claims 1-14 and 16 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim Applicants' invention. Claims 24-29 are being added. All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Prior Art Rejection

Claims 1-5 and 7-23 remain rejected under 35 U.S.C. §102(b) as being anticipated by Chellis et al. (US 6,901,446), and claim 6 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Chellis '446 in view of Gerszberg et al. (US 6,385,693). These rejections have been carefully considered, but are most respectfully traversed, as more fully discussed below.

A load distribution method of the present invention is adopted by a client-server system 1100 (for example, the embodiment depicted in Fig. 1 or Fig. 11) including a plurality of clients 100 and a server cluster, said server cluster including a plurality of servers 800 each used for processing requests made by said clients 100 and allows a number of said servers 800 to be changed dynamically. The method comprises: detecting, by one of clients, a change of the number of servers forming said server cluster (by a server-count detection function 401 of the load control program 400 of Figs. 1-2 in one client 100; [0063] of corresponding US Pub. No. 2005/0038890; Step 1202 in Fig. 5); setting, by said one client 100, an allocation of requests transmissible out to a newly added server 900 at an amount smaller than amounts set for the remaining servers in the server cluster, right after detecting an increase in the number of servers (by a connection distribution function 301 of a load distribution function 300 if the

client 100 in Figs. 1 & 9; *"The connection distribution function 301 refers to the connection management table 302 in order to determine a connection is to be allocated to the client program 200 and records the allocation of the connection in the connection management table 302 to reflect the reuse of the connection in the connection management table 302."* [0084]); transmitting out requests to said servers on the basis of said set allocation, if said increase in the number of servers is detected; and receiving, by said one client, responses to the requests from said servers.

The invention of claim 12 is directed to the client server system of claim 1. The invention of claim 27 is directed one of the client computers of claim 1.

"When a server 900 is newly added to the server-cluster system 1100, to which the client 100 transmits out a request, and hence changes the configuration of the server-cluster system 1100 in the client-server system implemented by the first embodiment of the present invention, the number of requests transmissible out to the newly added server 900 is initially set a value small in comparison with that set for each already existing server 800. In this way, it is possible to avoid generation of a long queue of requests each waiting for a processing turn in the newly added server 900 and increase the efficiency of processing in the entire server-cluster system 1100 ([0088])." The invention effectively shortens the time that the newly added server 900 takes to process requests, when the new server is added to the server-cluster system ([0024]).

Applicants respectfully submit that none of cited prior art references teaches or suggests such a step of "setting, by said one client, an allocation of requests transmissible out to a newly added server at an amount smaller than amounts set for the remaining servers in the server cluster, right after detecting an increase in the number of servers" as the present invention.

In contrast, it was a resource allocator 30 (rather than a "client") execute a reallocation request by a consumer 20 for migrating a number of users allocated to servers/rescores 25 in Chellis. The resource allocator 30 is set between users and servers (Figs. 1-2).

Contrary to the Examiner's assertion (p. 3, lines 11-13 of the outstanding Office Action) that *"by the adjusting rule (col. 5, lines 1-17); disclosed by Chellis, it allows clients to send a request accordingly with comparison so that a greater or lesser number of recourses can be allocated (Col. 11, lines 6-10)"*, Chellis does not allow the client/customer to set an allocation of requests transmissible out to a newly added server as the present invention. In Chellis, the adjustable rules are implemented by the resource allocator 30

(rather than any customer) based upon feedbacks regarding usage of a user (col. 5, lines 13-17). FIG. 8 illustrates a feedback and monitoring component 120 which monitors resources and generates feed back information concerning the resources 25 to the resource allocator 30 (col. 14, lines 28-32). If the resource allocator 30 is the receiving end thus situating at the server sited as asserted by the Examiner (p. 3, lines 8-9 of the outstanding Office Action), the resource allocator 30 is not on the client side, such that Chellis does not allow the client/customer to set an allocation of requests transmissible out to a newly added server as the present invention.

Chellis receives from a customer, at most, general allocation requests (col. 4, line 30), rather than any specific allocation requests regarding “an allocation of requests transmissible out to a newly added server” as the present invention. For example, when a consumer in Chellis may request “automatically register for a service.” While the requested service by the customer may require an allocation of a set of resources (col. 4, lines 33-35), the client request does not include allocation of resources therein.

Further contrary to the Examiner’s assertion (p. 3, lines 15-16 of the outstanding Office Action) that “*a resource locator can be incorporated with the client side or the server side to effectively utilize its functions locally, remotely, or centrally,*” Applicants respectfully contend that Chellis provides such a resource allocator 30 only at the side of a service provider (col. 1, line 42), but not at the side of the customers, to better allocate resources to registered customers (col. 1, line 23; col. 2, lines 44-45; col. 4, line 28). As known to one skilled in the art, a service provider will not allow one customer to allocated the shared resources available to all customers, in order to maintain control and management of its resources as well as and data security.

Applicants contend that the cited references and their combinations fail to teach or disclose each and every feature of the present invention as recited in at least independent claims 1, 12 and 27. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

Conclusion

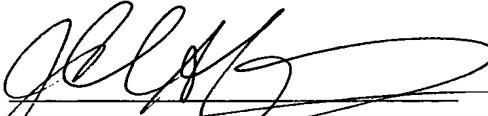
In view of all the above, clear and distinct differences as discussed exist between the present invention and the prior art references upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

Stanley P. Fisher

Registration Number 24,344



Juan Carlos A. Marquez

Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042
(703) 641-4200

July 29, 2008

SPF/JCM/JT